

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the May 23, 2008 Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment C amends claims 1, 5, 9, 13, 17, and 19-20. No new matter has been added. Therefore, claims 1-5, 8-13, and 16-20 are presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by US Pre-G Pub. No. 20010010076 to Wray. Applicants respectfully submit that Wray fails to disclose each and every element of the claims.

Amended claim 1 recites, in part:

recognizing a peer-to-peer (P2P) communication between a first client and a second client, said first client attempting to exchange information securely with said second client via the P2P communication without a third party mediation, said third party mediation including certificate authorities; establishing an electronic mail protocol between the first client and the second client, said e-mail protocol, being separate from the P2P communication, comprising Simple Mail Transport Protocol (SMTP)...; wherein at least one of the e-mail messages transmitted to the previously known address between the first client and the second client further comprises the digital object, said digital object being used for authenticating the information to be exchanged between the first client and the second client via the P2P communication and not for authenticating the first e-mail message, the second e-mail message, or the third e-mail message. (Support for the amendments can be found at least in paragraphs [0003], [0006], [0031])

Applicants respectfully submit that Wray fails to disclose or suggest using a second communication channel for exchanging a digital object for authenticating information to be exchanged in a first communication channel. In other words, as described in the present application, when user A and user B in a P2P communication, neither client computer can force its authentication preferences on the other. With no third party mediation and to avoid the risk of having a malicious third party (i.e., hacker) between user A and user B, embodiments of the invention seek to utilize the electronic mail protocol, such as SMTP, to transmit the digital

object, such as a public key, between user A and user B based on e-mail addresses of user A and user B that were previously known. As there is a relatively high degree of confidence that an e-mail message to a given destination address results in the e-mail message reaching the given destination address, embodiments of the invention attempt to solve the bootstrapping problems in a P2P communication environment.

Applicants respectfully submit that Wray teaches away from embodiments of the invention because Wray discloses a system that uses one communication channel for transmission of the secured information as well as the exchange of authentication mechanisms, such as cryptographic data. For example, Wray specifically discloses “FIG. 1 depicts an end-to-end secure communication path **between a client 10 of a first end system 11 and a target service 12 of a second end-system 13 which client 10 wishes to use** (emphasis added).” Wray, paragraph [0024].

Hence, Applicants respectfully submit that Wray fails to disclose or suggest each and every element of the amended claim 1 and its dependent claims. Hence, the rejection of claims 1-5 and 8 under 35 U.S.C. §102(b) should be withdrawn.

Amended claim 9 recites, in part:

recognizing a peer-to-peer (P2P) communication between a first client and a second client, said first client attempting to exchange information securely with said second client via the P2P communication without a third party mediation, said third party mediation including certificate authorities; establishing an electronic mail protocol between the first client and the second client, said e-mail protocol, being separate from the P2P communication, comprising Simple Mail Transport Protocol (SMTP)...; wherein at least one of the e-mail messages received further comprises the digital object, said digital object being used for authenticating the information to be exchanged between the first client and the second client via the P2P communication and not for authenticating the first e-mail message, the second e-mail message, or the third e-mail message.

For at least the reasons above, Applicants respectfully submit that amended claim 9 and its dependent claims are patentable over Wray because Wray fails to anticipate each and every element of the amended claims. Hence, the rejection of claims 9-13 and 16 under 35 U.S.C. §102(b) should be withdrawn.

Amended claim 17 recites, in part:

recognizing a peer-to-peer (P2P) communication between a first client and a second client, said first client attempting to exchange information securely with said second client via the P2P communication without a third party mediation, said third party mediation including certificate authorities;

establishing an electronic mail protocol between the first client and the second client, said e-mail protocol, being separate from the P2P communication, comprising Simple Mail Transport Protocol (SMTP)...;

transmitting from the first client to a previously known address of the second client, via the established electronic mail protocol, a first electronic mail (e-mail) message comprising the first UID...;

wherein at least one of the messages transmitted to the previously known address further comprises the digital object, said digital object being used for authenticating the information to be exchanged between the first client and the second client via the P2P communication and not for authenticating the first e-mail message, the second e-mail message, or the third e-mail message.

Because Wray teaches away from using one channel (P2P communication) for exchanging encrypted information and a separate and different channel (SMTP) for exchange the cryptographic data for the encrypted information, Applicants respectfully submit that Wray could not anticipate each and every element of amended claim 17 and its dependent claims. Hence, the rejection of claims 17-19 under 35 U.S.C. §102(b) should be withdrawn.

Amended claim 20 recites, in part:

a network interface recognizes a peer-to-peer (P2P) communication between a first client and a second client, said first client attempting to exchange information securely with said second client via the P2P communication without a third party mediation, said third party mediation including certificate authorities;

wherein the network interface establishes an electronic mail protocol between the first client and the second client, said e-mail protocol, being separate from the P2P communication, comprising Simple Mail Transport Protocol (SMTP);

wherein the network interface transmits to a previously known address, via the established electronic mail (e-mail) protocol, a first e-mail message comprising the first UID;

wherein at least one of the messages transmitted to the previously known address further comprises the digital object, said digital object comprises a public key used for authenticating the information to be exchanged between the first client and the second client via the P2P communication and not for authenticating the first e-mail message, the second e-mail message, or the third e-mail message.

For at least the reasons above, Applicants respectfully submit that amended claim 20 is patentable over Wray. Hence, the rejection of claim 20 under 35 U.S.C. §102(b) should be withdrawn.

Applicants respectfully submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims 1-5, 8-13, and 16-20 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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